

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CLARENCE MOSES WILLIS,

Plaintiff, No. CIV S-04-2060 DFL GGH PS

vs.

DENNIS FIDDAMENT, et al.,

Defendants. ORDER

Plaintiff, proceeding in this action pro se, filed a motion for summary judgment on June 30, 2005. This matter is before the undersigned pursuant to Local Rule 72-302(c)(21), pursuant to 28 U.S.C. § 636(b)(1).

The “summary judgment” motion filed by plaintiff appears to be nothing more than a renewed objection to the undersigned’s authority to hear this action. Regardless of its contents, plaintiff failed to notice the motion for summary judgment on the undersigned’s law and motion calendar as required by Local Rule 78-230(b). Because there are outstanding findings and recommendations which recommend this action be dismissed, plaintiff’s motion will be vacated pending a district court order addressing the findings and recommendations.

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Accordingly, IT IS ORDERED that plaintiff's motion for summary judgment is vacated pending a district court order addressing this court's findings and recommendations of July 7, 2005.

DATED: 8/10/05

/s/ Gregory G. Hollows

**GREGORY G. HOLLOWSS
UNITED STATES MAGISTRATE JUDGE**

GGH:mb
WiliS2060.vac